

REMARKS

Favorable consideration of this application is respectfully requested in view of the above amendments and the following remarks. Claims 1-8 and 11 are pending in the application, all of which have been rejected. Applicants would like to acknowledge and appreciate that the Examiner considers claims 1-8 and 11 to contain subject matter that is allowable if the rejections under the 35 U.S.C. §112, second paragraph, are overcome. Claim 1 has been amended to make even more plain that R¹ and R² are both H or both Me. Support for this amendment can be found throughout the specification and in the originally filed claims. See, for example, the intermediate structures shown on pages 10, 11, 13 and 15 of the specification, where R¹ and R² are specifically labeled as both being H or both being Me. Claim 11 has been amended to recite that administering the pharmaceutical composition is “to a patient in need thereof.” Support for the amendment can be found on page 1, lines 10-18 (part of second paragraph), page 3, lines 16-23, and page 20 lines 4-22 of the specification.

Claims 1-8 and 11 are definite.

Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. According to the Examiner, the identities of the compounds which fall under formula I cannot be positively ascertained because the point at which R¹, R², R³ and R⁴ are connected to the core has not been indicated. The Examiner asserts that for example where R³ is defined as (2-6C)heterocycloalkyl(1-4C)alkyl, it is unclear whether R³ is bonded to the core structure from the alkyl or the heterocycloalkyl portion of the substituent.

Applicants submit that with respect to R¹, R², and R⁴ the substituents recited consist of only a single component/group as a substituent, as opposed to terms reciting a combination of components/groups as a substituent as in (2-6C)heterocycloalkyl(1-4C)alkyl for R³. Thus for R¹, R², and R⁴ it is clear at which point the recited substituents are bonded to the core structure. With respect to R³ applicants submit that it is generally accepted to define a substituent attached to the core structure reciting its components in the order of first reciting the component furthest removed from the core structure and the component last recited being attached to the core structure. In

addition, the specification makes clear how the R³ substituents are attached to the core structure. Each of the substituent groups and components thereof are defined in the specification, including the combination substituent groups recited in the claims for R³. See page 5 line 17 to page 8 line 3 of the specification. For example the (2-6C)heterocycloalkyl(1-4C)alkyl substituent (referred to by the Examiner as an exemplary example) is defined in the specification on page 5, lines 17-20 as “a heterocycloalkyl group having 2-6 carbon atoms, connected to an alkyl group having 1-4 carbon atoms,” and thus the heterocycloalkyl group is bonded to the alkyl group and not the core structure. It is the alkyl group that is bonded to the core structure. In another example on page 5, lines 25-29 for (2-6)heterocycloalkylcarbonyl amino(2-4)alkyl, another R³ substituent, the specification states that “as used herein means a heterocycloalkylcarbonylamino group of which the heterocycloalkyl moiety contains 2-6 carbon atoms, connected via the amino group to an alkyl group having 2-4 carbon atoms.” Further, the specification states for example on page 6, lines 18 to 21 with respect to the term (6C)aryl(1-4C)alkyl “as used herein means a phenyl group, optionally substituted with one or more substituents ...[C1-4]alkyl]....., connected to an alkyl group having 1-4 carbon atoms.” This clearly indicates that the (1-4C)alkyl group, recited last in the combination, is not considered a substituent for the aryl group. Consequently, it is clear that not the aryl group but the alkyl group (recited last) is the group attached to the core structure. The above examples of disclosures in the specification make it clear that the group recited last in the combination substituent for R³ is the group bonded to the core structure. Moreover, in every example in the specification of the present application, at the phenyl oxygen of the core structure (the R³ substituent), an alkyl is attached to the core structure oxygen of the 4-phenyl group (recited as an alkoxy). In claims 1-8 every recited substituent for R³ concludes with an alkyl. Therefore the claims clearly require that the last recited component (the alkyl group for R³) of the combination substituent is attached to the core structure. For these reasons, applicants submit that claims 1-8 clearly define the claimed subject matter and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claim 11 was rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. According to the Examiner the element of the subject to which the composition is administered is omitted.

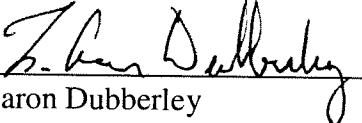
Applicants have amended claim 11 to recite that administering the composition is to a patient in need thereof. Support for the amendment can be found on page 20, lines 4 to 22 and further as recited above. Claim 11, as amended, does not contain a gap between elements and is complete. Accordingly, Applicants submit that claim 11 clearly defines the claimed subject matter and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, he is requested to call the undersigned at the number listed below.

Dated: August 1, 2007

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Respectfully submitted,

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